UNITED
NATIONS

E

Economic and
Social Council

Distr.
GENERAL

E/CN.4/2001/SR.44
25 September 2001

ENGLISH
Original: FRENCH

COMMISSION ON HUMAN RIGHTS

Fifty-seventh session

SUMMARY RECORD OF THE 44th MEETING

Held at the Palais des Nations, Geneva,
on Monday, 9 April 2001, at 10 p.m.

Chairperson: Mr. DESPOUY (Argentina)

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GE. *200-02544*

ENG

The meeting was called to order at 10.20 a.m.

STATEMENT BY MR. JOSEPH PHILIPPE ANTONIO, MINISTER OF FOREIGN AFFAIRS OF HAITI

1. Mr. ANTONIO (Haiti) said that the process of democratization in Haiti was irreversible. He recalled that Mr. Jean Bertrand Aristide had been elected President for the second time on 7 February 2001 and that a new Government had been formed containing members of certain opposition parties and some independent persons. The Government was determined to overcome the problems that still persisted in the area of human rights. It would nonetheless be difficult to achieve results in that area without significant improvements in the country's economic situation and without the introduction of a genuine climate of peace and dialogue.

2. Since the legislative elections of 21 May 2000, a report by the Organization of American States (OAS) criticizing the method used to count the votes had cast doubt on the seats of about ten senators. That controversy had given rise to a crisis which was still severely paralysing the running of the country's institutions. As early as 27 December 2000, in a letter addressed to President Bill Clinton, President Aristide had listed eight measures that might help to solve the crisis which he undertook to apply immediately upon taking office. The measures, which included dealing with the problem created by the elections of 21 May 2000, forming a broadly representative Government, creating a new, provisional electoral council and strengthening democratic institutions, had been welcomed by the international community. Several proposals had already been implemented and work on others was in progress. The Head of State had held many consultations with all sectors of Haitian society with a view to forming an open Government. Leaders and members of opposition political parties and prominent personalities from civil society had responded positively to the call. Others, however, had formed a group called "Democratic Convergence" which advocated cancellation of all the elections that had taken place in 2000. Six senators concerned by the controversies that had emerged from the 21 May 2000 elections had decided to abstain from all participation in parliamentary work so as to make it easier to solve the crisis. Furthermore, a new provisional electoral council including members of an opposition party had been established. On 14 March 2001, the Government, taking up a suggestion made by a civil society group, had submitted to the Permanent Council of the OAS proposal calling for the organization of advance elections in November 2002 which would replace two thirds of the Senate and the entire Chamber of Deputies. That proposal had been suggested by a large consensus at the local and international level but had been rejected by Convergence. Such a refusal to engage in dialogue could only make one question the group's real desire to find a solution to the political crisis.

3. The country's extreme poverty and the absence of a human rights culture created fertile ground for all kinds of violence, including political violence. Aware of the threat, the Head of State continued to reiterate his call for dialogue and cooperation. Human rights remained an important concern of the Government and progress had been made with regard to the establishment of standards. Fundamental rights were guaranteed by articles 19-51 of the Haitian Constitution. The Citizen's Protection Office had been created with the aim of protecting individuals against all forms of abuse from public officials. At the international level, Haiti had ratified many instruments, among them the International Pact on Civil and Political Rights, the International Convention on all Forms of Racial Discrimination, the Convention on the Elimination of All Forms of Discrimination against Women and the Convention on the Rights of the Child. It intended, in the near future, to take the necessary measures to ratify other instruments, including in particular the Convention against Torture and the International Covenant on Economic, Social and Cultural Rights. Furthermore, Haiti had always collaborated with the main United Nations mechanisms dealing with human rights questions. Yet, despite all those steps forward, there was still a long road ahead in the area of human rights in Haiti. The administration of justice, the prison system and the issue of impunity were some of the areas requiring urgent Government action and the support of the international community.

4. The universal character of the rights of the individual was now recognized. There remained many grey areas, however. Rising nationalism was a particularly troubling problem that was causing much tension in the world and required urgent and practical reactions from the international community. The

World Conference Against Racism in Durban would have to try to find an adequate response. The Government of Haiti hoped it would provide an occasion to examine the deep wounds of history and to take full stock of contemporary problems. The conclusions from all of the World Conference's preparatory regional meetings would have to be considered in order to produce in the end a document containing practical measures to fight racism.

5. Some aspects of the globalization phenomenon were also disturbing. The international community should find ways of favouring the development of market forces without neglecting full respect for human rights. In this regard, the "World Pact" initiative of the Secretary-General deserved meticulous analysis. Another question should command the Commission's attention, namely the relationship between the debt service of the least developed countries (LDCs) and respect for human rights. It was clear that the measures designed to alleviate the debt of the LDCs remained insufficient. The Government of Haiti therefore supported every initiative aimed at cancelling those countries' debts altogether. The decrease in Official Development Assistance (ODA) could also have repercussions on human rights in the LDCs. According to a report of the United Nations Conference on Trade and Development (UNCTAD), those countries would continue over the next ten years to be dependent on ODA, although the latter was continuing to dwindle. The reduction in aid was being felt all the more as very few of the countries in question managed to attract capital. Hence the Government of Haiti was calling for more solidarity in that area. It also hoped that the High Commissioner would play an active role during the third conference on LDCs to be held in May 2001 in Brussels, and would make sure that the issue of human rights was taken into account in the action programme against poverty that was to be adopted.

QUESTION OF THE VIOLATION OF HUMAN RIGHTS AND FUNDAMENTAL FREEDOMS IN ANY PART OF THE WORLD (item 9 of the agenda) (*continued*) (E/CN.4/2001/31*, 32, 33, 34, 35, 36, 37 and Corr.1, 38, 39, 40 and Add.1, 41, 42, 43 and Add.1, 44, 45 and Add.1 and Corr.1, 47 and Add.1 and Corr.1, 48, 107, 119, 122, 124, 127, 128, 129, 131 and 132; E/CN.4/2001/134-E/CN.4/Sub.2/2001/3 and Add.1-3; E/CN.4/2001/135, 140, 144, 149 and 150; E/CN.4/2001/NGO/8, 13, 29, 51, 75, 81, 85, 86, 87, 88, 89, 114, 121, 122, 123, 124, 129, 136, 153, 156, 157, 158, 176, 180, 183, 184, 185 and 186; E/CN.4/Sub.2/2000/8; A/55/269; A/C.3/55/5)

6. Mr. THAN (Observer for Myanmar), commenting on the observations made at a previous meeting by Mr. Pinheiro, Special Rapporteur on Human Rights in Myanmar, in the presentation of his report (E/CN.4/2001/46), said that the Special Rapporteurs in each country were supposed to act as independent and neutral observers and to write balanced reports on the human rights situations in the countries concerned. They should therefore conform to the universally accepted principles of objectivity, non-selectivity and impartiality as set out in the Vienna Declaration and other instruments concerning the promotion and protection of human rights. It was up to the Commission on Human Rights to determine whether the Special Rapporteurs were accomplishing their task according to those principles.

7. It was precisely because the Government of Myanmar had felt that the former Special Rapporteur on Human Rights in Myanmar had substantially deviated from those principles that it had not invited him to come to the country and had categorically rejected the resolutions adopted on the basis of the reports written by Mr. Lallah. Fortunately, the new Special Rapporteur on human rights in Myanmar, Mr. Pinheiro, had adopted a more balanced approach. The observations he had made in the oral presentation of his report on the positive evolution of the situation showed without a shadow of a doubt the Government's good will, its good faith and sincerity and proved that it had fully cooperated with the Special Rapporteur during his visit to Myanmar. The comments contributed a great deal to correct and improve the image of Myanmar that had been distorted by elements hostile to the Government of Myanmar and by the Western media. Other encouraging events that had taken place recently were the visit of Mr. Ismail, special representative of the Secretary-General; the release of 101 people since the beginning of the year, contradicting statements to the effect that the Government had increased repression; the appointment of a steering committee and a committee on human rights responsible for establishing a national institution for the promotion and protection of human rights; the consultations

between the Deputy Minister of Foreign Affairs in Myanmar and the Director-General of the International Labour Office (ILO), although Myanmar had ceased all collaboration with the International Labour Organization (ILO) regarding Convention No. 29 because of the unfair treatment it had received; and other activities aimed at promoting human rights and making the population more aware of the issue. Lastly, contrary to allegations mainly spread by the media, schools and universities were open and students were able to pursue their studies in calm.

8. The official position of the Government of Myanmar had not changed: it rejected allegations that human rights violations were being committed in Myanmar and therefore did not see the need to adopt a resolution on the human rights situation in that country. The authorities in Myanmar were nevertheless prepared to work with the United Nations as far as possible. Cooperation with the Commission on Human Rights had resumed with the productive visit of the Special Rapporteur and it was to be hoped that it could continue in the same way.

9. The CHAIRPERSON declared the general debate on item 9 of the agenda closed.

CIVIL AND POLITICAL RIGHTS, INCLUDING THE QUESTION OF:

(e) RELIGIOUS INTOLERANCE (item 11 of the agenda) (*continued*) (E/CN.4/2001/63; A/55/280 and Add.1 and 2)

10. Mr. AMOR (Special Rapporteur on the Freedom of Religion or Belief), presenting his report (E/CN.4/2001/63), said that since the fifty-sixth session of the Commission he had addressed a total of 106 communications to 56 different States. Analysis of those communications made it possible to evaluate the situation with regard to religion and belief in the world. In varying degrees, almost all States had cases or situations of discrimination or intolerance in the area of religion or belief. Yet minorities were particularly vulnerable, not only because of discriminating State policies, laws and practices, but also because of the intolerance they suffered from non-State entities, first among which were the religious communities, political or religious extremists and the media, some of which were responsible for the emergence of Islamophobia. It was important to be aware of the fact that the minorities themselves could sometimes be a source of intolerance towards their own members or other religious communities or believers. Nonetheless, the general trend was one of rising intolerance towards and discrimination against minorities, and unwillingness to consider their particularities and needs.

11. Analysis of the communications also revealed the still unsatisfying and sometimes tragic situation of women. Like the minorities, they were victims of extremism, a scourge that was continuing to grow, usually among non-State entities. In that context, while the protection given to religions by lawmakers who penalized defamation or blasphemy responded to a legitimate concern, extremists exploited those two notions more and more often to censure any critical debate within or about religions.

12. He wished to draw the attention of the members of the Commission to two communications in particular. The first concerned allegations that capital sentences had been demanded for three Baha'is in the Islamic Republic of Iran. In the end it seemed that the persons in question had not been condemned to death but to prison sentences varying from four to seven years. One could only hope that they would be speedily released. The second was an urgent call addressed to the head of the Taliban in Afghanistan asking him not to carry out the decree ordering the destruction of all the statues which, according to him, represented an insult to Islam. In spite of that appeal, the statues of Bamyan had been destroyed and intolerance had prevailed. The international community should react firmly and adopt measures for the efficient protection of religious sites and monuments, especially those belonging to humanity's common cultural heritage.

13. He recalled that in situ visits were one of the best instruments for facilitating dialogue and comprehension and thereby enhancing tolerance and non-discrimination in the matters of religion or

belief. The reports on his missions to Turkey (A/55/280/Add.1) and to Bangladesh (A/55/280/Add.2) had been submitted to the fifty-fifth session of the General Assembly, and a visit to Argentina was scheduled for the end of April 2001. On the other hand, the requests for visits he had been sending to Indonesia since 1996, to Israel since 1997, to the Russian Federation since 1998, to the Democratic People's Republic of Korea since 1999 and to Nigeria since 2000 had brought no response. Pursuant to resolution S-5/1 concerning "Israel's serious and massive violations of the fundamental rights of the Palestinian people", adopted by the Commission at its special session in 2000, he had taken the necessary steps to visit the occupied Palestinian territories so as to give an account of his observations at the Commission's present series of meetings. Yet Israel had refused to cooperate in spite of the troubling information that had been received about the situation in the occupied Palestinian territories. He therefore called on Israel to comply with the resolution in question and to collaborate with him under the framework of the terms of his mandate.

14. Concerned as he was to strengthen his role of finding solutions to the real causes of intolerance and discrimination, and not just their effects, he had undertaken a series of studies, mentioned in paragraph 191 of his report, the last of which, on "freedom of religion or belief and the status of women with respect to religion and traditions", had recently been submitted to the Commission.

15. In addition, the Preparatory Committee of the International Consultative Conference on School Education in Relation with Freedom of Religion and Belief, Tolerance and Non-Discrimination, to be held in November 2001 in Madrid, had addressed its invitations, with detailed background material, to all United Nations Member States and observers, to the various competent bodies and agencies of the United Nations system to regional organizations of a general nature, to international organizations dealing with cultural and educational matters, to international and regional human rights institutions, as well as to experts, to communities of religion or belief and to non-governmental organizations. The Preparatory Committee was to meet in June 2001 to examine comments already received on the draft of the Conference's final document. Many States had already replied, and he asked others to confirm their participation and to state their opinions regarding the draft final document.

16. In conclusion, he noted that the change of title from "Special Rapporteur on Religious Intolerance" to "Special Rapporteur on Freedom of Religion or Belief" in response to resolution 2000/33 of the Commission, indicated a recognition of the Rapporteur's role not only in the daily "management" of intolerance and discrimination based on religion or belief, but also in relation to its prevention in the long term.

17. Mr. AKSEN (Observer for Turkey) said that the principle of secularism as applied in Turkey should not be considered as a means of imposing an ideology or a single concept of faith. In Turkey there were no religious institutions comparable to those of the Catholic Church, which explained why the State took the administration of religious affairs into its hands. That being the case, there was no question of the Government using Islam as a political instrument. The Hanafite concept of Islam was certainly predominant in Turkey, but the State did not impose any dogma and it respected the freedom of religion and belief of all minorities. In that respect, the Government of Turkey fully respected the provisions of the Treaty of Lausanne and guaranteed the fundamental rights of the communities recognized in the Treaty as minorities. It did not, therefore, seem useful to appoint a Working Group to determine what interpretation should be given to the notion of minorities within the context of the Treaty of Lausanne.

18. Turkish nationalism, which the Special Rapporteur compared to a policy of "Turkification", had no religious dimension. All Turkish citizens were free to practise the religion of their choice, and that right was guaranteed by law. The Turkish delegation objected to the terms used by the Special Rapporteur to describe the principles of Atatürk, which he compared to a new religion. It stressed that those principles constituted the foundation of a large reform process that had resulted in the emergence of a modern and tolerant society in Turkey.

19. Ms. JAHAN (Observer for Bangladesh) recalled that the Bangladeshi Constitution and legislation contained provisions aimed at guaranteeing non-discrimination and freedom of religion and that the Government of Bangladesh was favourable to secularism even though Islam was the State religion. As their representatives had told the Special Rapporteur, Hindu, Buddhist, Christian and Ahmadi minorities were free to practise their religion and had not problems with interference from the authorities. Thanks to a number of positive measures, among which was the introduction of quotas, the access of non-Muslim minority groups to public office (including senior posts) was far from being limited, contrary to what was said in the report. The laws relative to personal status or the family were specific to each community. Yet when their provisions were incompatible with constitutional principles, it was possible to appeal to the rules of positive law set out in the Constitution, which then took precedence. The delegation did, however, take note of the Special Rapporteur's recommendation in paragraph 90 of his report. Unlike many Muslim countries, Bangladesh recognized the Ahmadi as a religious community. They themselves declared that they were not the victims of tension within society, as was indicated in paragraph 60 of the report. As for the fatwas, they did not enjoy popular support. The Supreme Court recently had even made a decision to annul a fatwa and had asked Muslim institutions to take measures to spread knowledge of the laws concerning personal status and to give the public a better understanding of the rights of women.

20. Also, the Bangladeshi delegation considered that the issue of the Chittagong Hills did not really fall within the Special Rapporteur's mandate, as the origin of the problem was not religious. That much said, however, in order to avoid misunderstandings she wanted to reaffirm the determination of the Government of Bangladesh to apply the peace agreement in full. Coming back to the use of the term "indigenous" in that context, she observed that the distinction between indigenous and non-indigenous did not apply to the Bangladeshi population. She also objected to the link established by the Special Rapporteur between the status of women and religion. While recognizing that women were the victims of many forms of discrimination, she stressed that the situation was not the result of religious intolerance but rather of economic and social factors and traditional forms of behaviour which the Government was trying to change. As for the terms used in the report to describe the *Vested Property Act*, presented as the plundering of a particular community's property, they were highly objectionable. Nevertheless, Parliament had adopted a bill for repeal of the Act, which should allow the property in question to be returned to its owners.

21. Lastly, she felt bound to refute the allegations of interference of religious matters in the country's politics. The claim that Islam was exploited for political aims was not justified. The Government observed the main festivals of all the religious communities as holidays and ensured that they were reflected in the media. Mutual comprehension among the various ethnic and religious communities was one of the characteristics of Bangladeshi society. There might nonetheless be isolated cases of discrimination and intolerance, and the Government of Bangladesh was ready to assume its responsibilities and do everything possible to further improve the situation. It remained open to any constructive suggestions that might be made in that respect.

22. Mr. PEREZ-VILLANUEVA y TOVAR (Spain) said that his country would do its utmost to ensure the success of the International Consultative Conference on School Education in Relation with Freedom of Religion and Belief, Tolerance and Non-Discrimination, to be held in Madrid from 23 to 25 November 2001. He recalled that the Preparatory Committee had already drawn up draft rules of procedure for the Conference as well as a draft final document, which had been submitted to the delegations and experts for analysis and comments; those should be received by 30 April. The Committee would meet again in Madrid in June and would continue its preparation of the documents to be presented to the Conference. The delegations and experts involved were invited to share their comments concerning the draft of the final document.

23. The Spanish Government hoped that a large number of non-governmental organizations and religious communities would take part in the Conference in Madrid, the aim of which was to promote tolerance and non-discrimination. It also hoped that States would endeavour to apply the recommendations to be incorporated in the final document.

24. Mr. AMOR (Special Rapporteur on the Freedom of Religion or Belief), in his final comments, said that he had looked into the principle of secularism in Turkey and thought he had understood its implications and meaning. It should be noted, however, that not all religions enjoyed the same attention as Islam in that country. He also insisted on the need to fight extremism and to ensure that political parties did not participate in making religion an instrument for politics. One only had to read the Turkish press to understand what was happening in Turkey. As for the Treaty of Lausanne, he did not feel qualified to interpret it but simply observed that the minorities it covered were disappearing and that their disappearance could not be attributed to economic factors alone. It was strange, to say the least, that most of those who emigrated belonged to a certain minority. Lastly, it was undeniable that in Turkey a movement of Turkification was currently under way, characterized by nationalism, at times excessive, to the detriment of certain ethnic and religious minorities. The extremists, whether they appealed to the cult of a man, Atatürk, or to a religious cult, should be countered, because extremism was always synonymous with intolerance and the denial of human rights.

25. Addressing the representative of Bangladesh, he observed that the terms "tribal populations" and "indigenous populations" had been used by the Prime Minister of Bangladesh himself when referring to the country's population and that they appeared in many official reports, notably of the United Nations Development Programme (UNDP). As for the Ahmadi, it was true that in Bangladesh they were recognized as Muslims, yet they had nonetheless been victims of attacks. The fatwas, in spite of the Government's efforts to solve the problem, were everyday occurrences and violated the rights of minorities and of women. He also reaffirmed that the difficulties in applying the agreement in favour of the Chittagong Hills communities lay in ethnic and religious considerations and that it was indeed the law entitled *Vested Property Act* that was the cause of the confiscation of property belonging to the Hindu community. He welcomed the fact that a legislative procedure was under way to compensate the Hindus. Lastly, it was a fact that religion was exploited by many political parties, including some that did not openly claim affiliation with a religion, especially for electoral purposes.

INTEGRATION OF THE HUMAN RIGHTS OF WOMEN AND THE GENDER PERSPECTIVE

(a) VIOLENCE AGAINST WOMEN (item 12 of the agenda) (E/CN.4/2001/70-E/CN.6/2001/3; E/CN.4/2001/71, 72 and 73 and Add.1 and 2; E/CN.4/2001/126-E/CN.6/2001/6; E/CN.4/2001/NGO/24, 25, 32, 37, 46, 56, 72, 77, 95, 113, 127, 151 and 169; E/CN.4/Sub.2/2002/17, 18 and 21)

26. Ms. COOMARASWAMY (Special Rapporteur on Violence Against Women) said that violence against women in times of armed conflict had continued unabated since 1997, the year of her last report on the issue. Unthinkable atrocities had been committed against women in the conflicts ranging from Afghanistan to Chechnya, from Sierra Leone to East Timor. The new report (E/CN.4/2001/73) gave an outline of the rapes, mutilations, humiliations and constraints of all kinds that women had endured since 1997.

27. The number of reported cases of violence committed by soldiers and members of the United Nations peacekeeping forces, notably in Bosnia Herzegovina and in Kosovo, caused particular concern. If the peacekeeping operations were to remain credible and if the climate of impunity which perpetuated violence against women was to cease, it was absolutely essential that all United Nations forces be held to the same obligations as States regarding respect for international law on human rights and that the United Nations code of conduct for personnel be applied strictly; the culprits should then be appropriately punished in their own countries. It was equally vital to train the members of the peacekeeping forces before their posting even began so that they fully understood that the United Nations High Command would not tolerate any acts of violence or abuse of power against women.

28. Another serious problem was that of children soldiers and of the traumatizing effects of armed conflicts on children, in particular on girls, who were often kidnapped and forced to play several overlapping roles, including porter, cook, fighter and sexual slave. It was essential that States and other actors should recognize that using children soldiers was a terrible violation of international standards, one that was not only morally

shocking but would also have considerable and lasting repercussions on the communities in which the children lived.

29. The increase in the numbers of internally displaced women and children, who were particularly exposed to violence and bad treatment, was also a matter for serious concern. Unlike refugees, internally displaced persons did not benefit from legally binding international standards specifically aimed at protecting and assisting them. The Guiding Principles on Internal Displacement did, however, mark a welcome step forward. It was important to ensure that internally displaced women were not doubly victimized. The Security Council had recently recognized that women should be fully involved in all efforts to maintain and promote peace and security. It was also necessary to take their needs and concerns into account within the context of reconstruction programmes after a conflict, as heads of family were then usually women.

30. Another serious concern lay in the fact that non-State actors who violated human rights and the standards of international humanitarian law often enjoyed impunity because there were so few means of exerting pressure on them. Progress had been made, at least with regard to legal sanctions, in the fight against impunity. For the first time in the history of humanity, persons who had perpetrated violence against women in time of war were being brought to justice. The judgement in the Foca affair by the International Criminal Tribunal for the Former Yugoslavia, which had considered that the unthinkable acts of brutality committed against women in that affair—involving rape and enslavement—constituted crimes against humanity and that torture should be treated as a war crime, was greatly to be welcomed. The adoption of the Statute of the International Criminal Tribunal, which categorically defined rape and other forms of sexual violence as crimes against humanity and war crimes, also marked a great victory for those who had fought to make international justice an important element in modern international law. She accordingly invited all States to ratify that instrument as a matter of urgency.

31. Emphasizing the importance of the World Conference on Racism, she recalled that because of racism women were often doubly victimized and expressed the hope that the Conference would place a great deal of emphasis on the question of intersectionality of discrimination based on race and sex. She had visited India, Nepal and Bangladesh in 2000 to study the problem of trafficking in women and children and had noted the determination of the countries of South Asia to put an end to that phenomenon by concluding a regional convention on the issue, which would in fact be the first convention of the South Asian Association for Regional Cooperation (SAARC). Although many countries of that region were drafting national legislation on the matter, there remained a great deal to do in order to ensure effective application of programmes designed to combat trafficking in women. Yet it would be of vital importance, in doing that, not to forget that the goal of the programmes was to apprehend the culprits, not to prevent women escaping oppressive living conditions. In protecting women's rights, it was important to avoid doing anything that would actually increase their unhappiness and subjection, and to make sure that their dignity and individual freedom were respected.

32. Ms. GRANT (Secretariat), reading a message from Ms. King, Special Adviser on Gender Issues and Advancement of Women, said that several important developments had taken place since the fifty-sixth session of the Commission on Human Rights. The General Assembly had dedicated a special session to women in 2000 and on that occasion the Member States of the United Nations had agreed on strategic measures to ensure that the objective of the Beijing Platform for Action were implemented. In October 2000 the Security Council had held its first debate on women, peace and security and had adopted a resolution of great significance. The Optional Protocol to the Convention on the Elimination of All Forms of Discrimination Against Women, already signed by 66 States and ratified by 18, had come into force on 22 December 2000.

33. The Commission on the Status of Women had, moreover, completed the work of its forty-fifth session on 16 March 2001 and adopted five draft resolutions, one of which concerned the situation of women in Afghanistan. It had also discussed its communications procedure in the light of the revision of procedure 1503 of the Commission on Human Rights and had requested a further report based on the

contributions of Member States. Lastly, it had taken note of the joint work plan established for the Office of the Special Adviser on Gender Issues and Advancement of Women, the Division for the Advancement of Women and the Office of the United Nations High Commissioner for Human Rights (E/CN.4/2001/70-E/CN.6/2001/3). There could be no doubt that cooperation between those three offices would continue and become stronger, in particular with regard to establishing procedures for the Optional Protocol as well as in some other areas, such as trafficking in women and children.

34. Ms. ŠIMONOVIĆ (Chairperson of the Commission on the Status of Women) informed the Commission on Human Rights of the results of the work done at the forty-fifth session of the Commission on the Status of Women. During that session the Commission had taken account of the report produced by the twenty-third special session of the General Assembly by adopting a draft resolution concerning proposals for a multi-year programme of work for 2002-2006, a programme that was to be implemented in the light of the results emerging from United Nations Conferences and summits to be held in the near future. If the Commission was to play a key role in implementing the Beijing Plan of Action and the decisions of the twenty-third special session of the General Assembly, it was extremely important that all other bodies and agencies of the United Nations should also continue to contribute to the process.

35. At its forty-fifth session the Commission had also adopted a draft resolution on the situation of women and girls in Afghanistan, as well as a draft resolution on mainstreaming a gender perspective into all policies and programmes in the United Nations system. The latter resolution recommended that the Economic and Social Council decide to establish a regular agenda item in its general debate on the gender mainstreaming issue and to plan for an evaluation, by 2005, of the system-wide implementation of ECOSOC's agreed conclusions (1997/2) on gender mainstreaming. On the basis of the results of the meeting of experts on "Gender and Racial Discrimination" organized at Zagreb in November 2000 by the Division for the Advancement of Women, the United Nations Development Fund for Women and the Office of the High Commissioner for Human Rights, the Commission had also adopted agreed conclusions on the issue of discrimination based on gender and on all other forms of discrimination. In those conclusions the Commission emphasized a fact that was becoming more and more widely recognized, namely that the various forms of discrimination did not always affect women and men in the same way and that gender discrimination could be intensified and facilitated by all the other types of discrimination. It advocated an analysis of the intersection of multiple forms of discrimination from a gender perspective and recommended Governments, the United Nations system and civil society to adopt a certain number of measures with a view to establishing a joint global strategy. Lastly, the Commission stressed in its agreed conclusions the need to integrate a gender perspective into the preparations for the work of and the follow-up on the World Conference against Racism and considered it essential that the delegations should include women.

36. The Commission had taken note of the joint work plan established for the Office of the Special Adviser on Gender Issues and Advancement of Women, the Division for the Advancement of Women and the Office of the High Commissioner for Human Rights (E/CN.4/2001/70-E/CN.6/2001/3). It had examined a report by the Secretary-General assessing the implications of reforms introduced in human rights mechanisms (procedure 1503) in connection with communications concerning the status of women (E/CN.6/2001/12). It had also considered, in closed meetings, the revised note of the Secretariat on interaction between confidential communications procedures of the Commission on Human Rights and the Commission on the Status of Women. It had decided to request another report on the communications procedure of the Commission on the Status of Women and ways and means of making it more effective and efficient in the light of the written observations submitted by Member States. Lastly, the Commission had taken note of the Report of the Working Group on Communications on the Status of Women, in which the Working Group had expressed its deep concern about continuing grave violations of women's human rights.

37. The Commission on Human Rights had contributed to a better understanding of the fact that gender influenced the exercise of human rights. The task now was to try harder to translate that understanding into reality by adopting measures, legislative measures in particular, at the national level. The work of the inter-governmental bodies would remain crucial in that connection. Given the lot of millions of women whose

human rights were trampled on every day, it was important to continue to strengthen the cooperation established between the Commission on the Status of Women and the Commission on Human Rights.

38. Ms. ABAKA (Chairperson of the Committee on the Elimination of Discrimination Against Women) said that with the accession of the People's Democratic Republic of Korea, on 27 February 2001, there were now 167 States party to the Convention on the Elimination of all Forms of Discrimination Against Women. She urged all countries that had not yet done so to sign the Convention without delay. The entry into force of the Optional Protocol to the Convention on 22 December 2000, signed by 66 States and ratified by 18, meant increased responsibilities for the Committee on the Elimination of all Forms of Discrimination Against Women because it would henceforth be empowered to examine individual communications and to enquire on its own initiative into serious and systematic violations of the Convention's provisions.

39. At its twenty-fourth session, the Committee had adopted Rules of Procedure for the Optional Protocol and appointed the members of its working group on communications, which would hold its first meeting in July 2001. The Committee had also deliberated on the links between discrimination against women and racism, racial discrimination and related intolerance. It had adopted a statement on gender and racial discrimination which would be forwarded to the second session of the preparatory committee for the World Conference Against Racism. The statement contained recommendations on special measures to protect women and girls from all forms of discrimination and on the integration of a gender perspective in national institutions, and it also encouraged further training in the area of human rights. The Committee had further decided that, subject to the availability of resources, three of its members, apart from the two living in South Africa, would participate in the World Conference.

40. The Committee had continued to strengthen its cooperation with the Office of the High Commissioner For Human Rights, which had offered to place its competence in the area of communications at the Committee's disposal. It welcomed the fact that women's concerns were being taken into account more and more seriously in the work of the human rights mechanisms, and particularly in the work of human rights treaty bodies. Strengthened by more efficient working methods, increased responsibilities and the priority accorded to gender concerns since the Fourth World Conference on Women, the Committee was counting on the continued support of the Commission on Human Rights and pledged itself to continue its cooperation with the Commission and the Office of the High Commissioner.

41. Ms. KUNADI (India) said that the Indian Government, eager as it was to give women the place they deserved in society and in the nation's economic, political and social life, had declared the year 2001 as "Women's Empowerment Year". Throughout the year, emphasis would be placed on revision of the legislation in force with a view to eliminating all discriminatory clauses against women and on the drafting of new laws to improve the protection of women's rights and interests. Several programmes had been set up to make the public more sensitive to women's issues, to improve their access to resources and to create an environment that would enhance the self-confidence and autonomy of women.

42. In the report on her mission to India (E/CN.4/2001/73/Add.2), the Special Rapporteur on Violence Against Women had duly noted the measures the Government of India had taken to combat trafficking in women and girls. She had nevertheless stressed the need for conceptual clarity in the definition of "trafficking", which was not clearly defined in Indian law on the subject. The Government of India had therefore asked the National Commission for Women, which was currently examining the possibility of amending the law, to look into the definition and communicate to the Government the views of the Special Rapporteur on the matter. To evaluate the scale of the problem, a national survey was planned with the aim of collecting the necessary factual information. The Government of India also shared the concerns of the Special Rapporteur about the impunity enjoyed by traffickers. It had urged all States to do everything in their power to ensure that traffickers were duly prosecuted. An awareness programme for the police was to be carried out in 2001 with the help of the United Nations Children's Fund (UNICEF). To combat corruption in general, and among the police in particular, a manual intended for the police force and for medical staff dealing with trafficking questions would also be prepared in the course of the year, again in collaboration

with UNICEF. Also, the National Commission on Human Rights had been asked to organize regional workshops and to publish guidelines on the subject of trafficking for the lower levels of the judiciary. The Government would also ask it to conduct a thorough study, as the Special Rapporteur had recommended, on the system of protective custody of women and to make suggestions as to how the conditions in protective custody homes could be improved.

43. The draft Regional Convention on Trafficking prepared under the aegis of the South Asia Association for Regional Cooperation (SAARC) was ready and was expected to be signed at the forthcoming summit of the States members of SAARC. The States felt that amendments could be made or additional protocols annexed to the Convention after its adoption in order to align its provisions, especially those concerning the definition of trafficking, with those of the Additional Protocol to the United Nations Convention on Transnational Organized Crime. As to the suggestion concerning the establishment of a regional surveillance mechanism, the Government of India thought that it would indeed be useful to have cooperation among the competent agencies of the countries concerned. Moreover, the Government of India acknowledged that concerted efforts were needed to confront the problem of HIV/AIDS in the region. It had set up a national AIDS control programme focused on prevention through enhanced awareness of the problem and improved treatment of those affected. It also recognized the important role played by NGOs in the efforts to combat trafficking.

44. While appreciative of the work done by the Special Rapporteur and willing to continue the dialogue begun during her visit to India, the Indian Government regretted certain observations made in the section of the report on India (E/CN.4/2001/73) which were based on unverified information from NGOs. The Government wished to state categorically that inquiries were always carried out without delay into the cases of violence against women reported in certain areas of the country and that the culprits were never spared, as was apparent from the replies that had from time to time been communicated to the Special Rapporteur, none of which, unfortunately, had found their way into her report. It was obvious that the Government could not act exclusively on the basis of false allegations propagated by terrorists, who were themselves responsible for violence against women, in order to demoralize the security forces. In the two cases mentioned by the Special Rapporteur, it was important to state that no inquiry could be made into the first because of lack of information and that the allegations made in the second had proved to be unfounded.

45. Mr. BAHADUR SHRESTHA (Observer for Nepal) said that the Government of Nepal had endeavoured to meet all the requests of the Special Rapporteur during her visit to Nepal, so that she could obtain all the necessary information about trafficking of women and girls in that country. Aware of the seriousness of the problem, the Government of Nepal was determined to do everything in its power to cope with it at the national and regional level, with the cooperation of all sectors concerned.

46. As the Special Rapporteur noted in her report (E/CN.4/2001/73/Add.2), the Nepalese Constitution of 1990 prohibited, in Article 20, trafficking in human beings, slavery, serfdom, exploitation and forced labour in any form. Trafficking was also covered by a number of other laws, notably the 1986 law on the suppression of trafficking in human beings, which provided for prison sentences of up to 15 years for traffickers. A new bill intended to strengthen that law was under consideration. It was also planned to set up special tribunals to deal with traffickers. Finally, Nepal was party to all the main international instruments on human rights, notably the Convention on the Elimination of all Forms of Discrimination Against Women.

47. Given the complexity of the problem, the Ministry of Women, Children and Social Protection had also prepared a number of programmes to combat trafficking and had developed, in collaboration with donor agencies, a national policy and plan of action aimed at designing action strategies, adopting appropriate laws, organizing awareness-raising activities and applying appropriate measures in the areas of health, education and rehabilitation. The plan was being put into effect through the intermediary of a National Coordination Committee under the Ministry of Women, Children and Social Protection as well as several local agencies. In every police station special units had been created to investigate crimes committed against women.

48. As trafficking was mainly a consequence of poverty, underdevelopment, illiteracy and unemployment, the Government of Nepal had set up programmes for professional training and awareness-raising in many districts. Several programmes were also being carried out in close collaboration with United Nations institutions and agencies such as UNESCO, ILO and UNDP. In 1999, as part of a technical assistance project arranged by the Office of the High Commissioner for Human Rights, workshops had been held on criminal law procedures and the rights of women in connection with trafficking. A training workshop had also been organized for the members of law enforcement agencies, in particular the police. At the regional level, Nepal was working in close collaboration with other countries of South Asia with a view to the adoption of a regional convention on trafficking. It was also collaborating with most of the numerous NGOs that were trying, in their diverse activities, to combat trafficking in Nepal.

49. With regard to the sale of children, the Nepalese delegation noted with regret that the information in paragraph 18 of the Special Rapporteur's report was misleading and devoid of any basis in reality. Nevertheless, he could assure the Commission that the Government of Nepal was aware of the problem and determined to do everything possible to deal with it. It was in that spirit that Nepal had signed the Optional Protocols to the Convention on the Rights of the Child in September 2000, one of which concerned the sale of children, child prostitution and child pornography and the other the involvement of children in armed conflicts. It would continue to make every effort to deal with those problems, acting in close cooperation with all competent sectors and taking due account of the recommendations made by the Special Rapporteur in her report.

50. Ms. JAHAN (Observer for Bangladesh) recalled that the Constitution of Bangladesh enshrined the principle of equality between men and women. Various legislative measures had accordingly been introduced to reduce the inequalities between men and women in several areas, particularly in education and health, in order to meet the particular needs of women. Thanks to those measures, the situation of women had substantially improved since 1995. Literacy levels had risen, the life expectancy of women had increased and the maternal mortality rate had dropped. Bangladesh had in fact been one of the first countries to establish an independent ministry to deal with women's issues which coordinated all the activities for the advancement of women incorporated in national development programmes and policies.

51. Priority attention had also been given to the problem of violence against women, which was a growing concern in Bangladesh. Various measures, some of which were mentioned in the Special Rapporteur's report on her visit to Bangladesh (E/CN.4/2001/73/Add.2), had been taken to cope with such violence. Bangladesh had, first of all, signed and ratified the Optional Protocol to the Convention on the Elimination of all Forms of Discrimination Against Women in September 2000 and had demonstrated its will to protect the rights of women by removing two of its reservations to the Convention in 1997. It had also signed and ratified the two Optional Protocols to the Convention on the Rights of the Child and was party to the main international instruments on human rights, notably those relating to the rights of women. Legislative measures had been adopted to combat discrimination and violence against women, among them a law on the elimination of violence against women and children, adopted in 2000, which stipulated severe sanctions against the perpetrators of such violence and compensation for the victims. In that connection, her delegation did not think it appropriate to describe the law in question as "draconian", a term used by the Special Rapporteur in paragraph 62 of her report. The law was intended to punish serious acts of violence against women more severely, going so far as to specify capital punishment in certain cases for those who committed such crimes. It was intended to have a deterrent effect and was designed to protect the rights of victims, not those of the perpetrators of the crimes. In any case, it was not for the Special Rapporteur to comment on the justification for the laws adopted, nor on the punishments laid down in them, nor on the issue of capital punishment: such remarks had no place in her report.

52. Also, the Special Rapporteur stated at the beginning of paragraph 56 that trafficking was a widespread phenomenon in Bangladesh, although a bit further on she said that the exact number of victims of trafficking was not known. It would be useful if she gave more information on that point. She implied in paragraph 63, moreover, that law enforcement officers were not doing anything to put an end to the trafficking, whereas the

available statistics proved exactly the opposite. In order to fight trafficking efficiently, it was important to deal first of all with the root causes, such as poverty and the permeability of borders. It was also important to take concerted measures at all levels: in the country of origin, of transit and of final destination. The problem did in fact have regional dimensions and was aggravated by factors external to the country. That was why Bangladesh had played a major role in drafting the SAARC Regional Convention on Trafficking. As the Special Rapporteur emphasized, it was crucial to fight trafficking in a regional context.

53. Contrary to what was said in paragraph 67 of the report, members of the country's police forces did receive appropriate training for handling cases of violence against women in general and of trafficking in particular. Even so, the Government of Bangladesh, following up a recommendation made by the Special Rapporteur, had already requested technical assistance from the Office of the High Commissioner for Human Rights in that area. Furthermore, contrary to what the Special Rapporteur said in paragraph 70 of her report, the Government of Bangladesh had duly given the Government of India the information requested on all Bangladeshi women detained in Indian prisons. It therefore asked the Special Rapporteur to indicate more clearly in which cases the diplomatic representatives of Bangladesh in India had failed to provide the requested information.

54. The decision of the Government of Bangladesh to forbid women and young girls to go to the Middle East to work as domestic staff had been taken in the interests of the women in question and to protect their rights. In no case did it aim at restricting their freedom of movement. The Government had, at the same time, endeavoured to make women more aware of the dangers involved in jobs abroad.

55. Finally, the Observer for Bangladesh thanked the Special Rapporteur and assured her that the Government of Bangladesh would take due note of her observations and recommendations.

The meeting rose at 1.05 p.m.